

Center for **Children's** Advocacy

65 Elizabeth Street, Hartford, CT 06105

TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF RAISED BILL NO. 417 AN ACT CONCERNING JUVENILE MATTERS AND PERMANENT GUARDIANSHIPS March 23, 2012

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

Through our TeamChild Juvenile Justice Program, the Center collaborates with the Juvenile Public Defender's Office and the Juvenile Probation Office. Our attorneys work to improve the child's juvenile justice outcome by securing needed services through community agencies or the school system. The Center's attorney represents the child on educational issues and access to mental health treatment, which may be at the root of the child's court involvement. Through our Disproportionate Minority Contact (DMC) Reduction Projects, the Center partners with the Local Interagency Service Teams (LISTs) in Hartford and Bridgeport, as well as our national partner, the Center for Children's Law and Policy, to develop strategies to reduce the disproportionate representation of youth of color in the juvenile justice system.

The Center submits this testimony in support of Section 15 of Raised Bill No. 417 which will help Connecticut ensure that juveniles are only transferred to adult criminal court when appropriate by:

1. Holding discretionary transfer hearings in juvenile court rather than adult court; and
2. Reducing the number of offenses eligible for automatic transfer to adult court.



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Because youth are less able to understand the consequences of their actions and are more capable of rehabilitation than adults, juvenile transfers to adult court should only occur in the most serious cases. Scientific studies have confirmed that the teenage brain is fundamentally less developed than the adult brain, resulting in poor judgment and impulse control for youths.¹ Juvenile brain scans have shown visible differences in the area of the adolescent brain that controls impulsivity and behavioral control.² These areas of the brain do not fully develop until age 25, causing teenagers to be more susceptible than adults to peer pressure and less able to consider the long-term consequences of their actions.³

¹ Elizabeth Cauffman et al., *Age Differences in Affective Decision Making as Indexed by Performance on the Iowa Gambling Task*, 46 DEVELOPMENTAL PSYCHOLOGY 193, 193-94 (2010); Jay N. Giedd, *Structural Magnetic Resonance Imaging of the Adolescent Brain*, 1021 ANNALS N.Y. ACAD. SCI. 77, 83 (2004).

² Giedd, *supra* note 1.

³ *Id.*; Margo Gardner & Laurence Steinberg, *Peer Influence on Risk Taking, Risk Preference, and Risky Decision Making in Adolescence and Adulthood: An Experimental Study*, 41 DEVELOPMENTAL PSYCHOLOGY 625, 632-34 (2005).

Additionally, because their brains are still rapidly developing, adolescents are more capable of change and rehabilitation than adults.⁴ However, when a youth is transferred to adult court, the criminal justice system treats the juvenile as an adult and does not provide the wide range of developmentally-appropriate rehabilitative services available in juvenile court.

The current system of juvenile transfer to adult court disproportionately impacts racial and ethnic minority youth. In Connecticut's juvenile justice system, youth of color are significantly overrepresented⁵, and the area of juvenile transfers is no exception. A study published in 2009 by Connecticut's Juvenile Justice Advisory Committee revealed that African-American and Hispanic youth were more likely to be transferred to adult court compared to Caucasian youth who committed the same offense.⁶ Even after controlling for other differences between the groups, race remained significantly correlated to the juvenile transfer.⁷ More recently, through our DMC Reduction Projects, we have seen that youth of color in Hartford and Bridgeport are transferred to adult court at a higher rate than their proportional rate in the population. Because transfer to adult court carries with it longer sentences, higher rates of recidivism and fewer rehabilitative services, this disproportionate impact of juvenile transfer results in worse life outcomes for youth of color.

By locating discretionary transfer hearings in juvenile court and reducing the number of offenses eligible for automatic transfer to adult court, Raised Bill No. 417 will help Connecticut ensure that youth are only transferred to adult court when appropriate and that more youth have access to the rehabilitative services available in juvenile court. Juvenile courts are better equipped to analyze the many factors relevant to discretionary transfer hearings because their personnel have been specifically trained in juvenile brain development and adolescent behavior. Additionally, attorneys appearing in juvenile court have more extensive knowledge of adolescent development and its implications for the court process. Juvenile court personnel are also more aware of the resources available in juvenile court and are consequently in a better position to determine whether a youth can benefit from such services. Furthermore, making the rehabilitative resources available in juvenile court available to more youth will reduce recidivism rates and improve life outcomes. By appropriately keeping more youths in juvenile court, more youth will be offered the opportunities to become productive citizens.

The Center additionally supports Section 3 of Raised Bill No. 417, which will provide juvenile court judges with procedures to determine competency of a child or

⁴ Giedd, *supra* note 1.

⁵ Richetelli, et. al, *A Second Reassessment of Disproportionate Minority Contact in Connecticut's Juvenile Justice System*, STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT II (May 15, 2009).

⁶ *Id.* at 35.

⁷ *Id.* at ii & 35.

youth and expand the range of developmentally-appropriate dispositional options for youth who are determined to be incompetent to stand trial.

For the foregoing reasons, the Center urges the committee to pass Raised Bill No. 417.
Thank you for your time and consideration.

Respectfully submitted,

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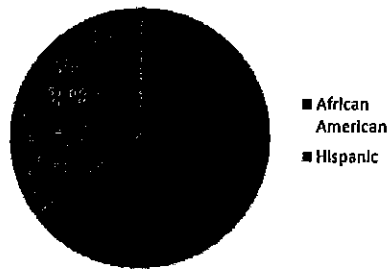
Hannah Benton
Staff Attorney
TeamChild Juvenile Justice Project

A handwritten signature in black ink, appearing to read "Emily Nicholson". The signature is fluid and cursive, with a long horizontal stroke at the end.

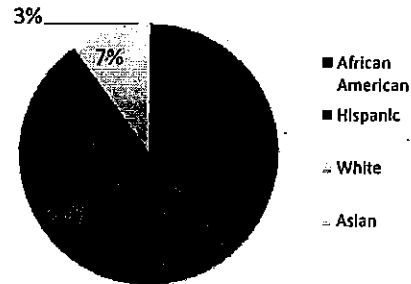
Emily Nicholson
Law Student Intern
Center for Children's Advocacy

How many youth who reside in the City of Hartford were transferred to adult court from 1/1/10 to 9/30/11?

Youth Transferred



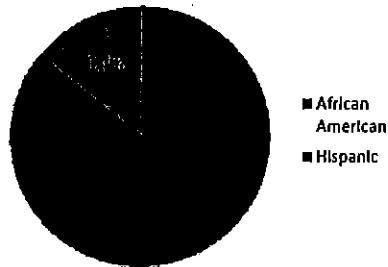
Overall Youth Population



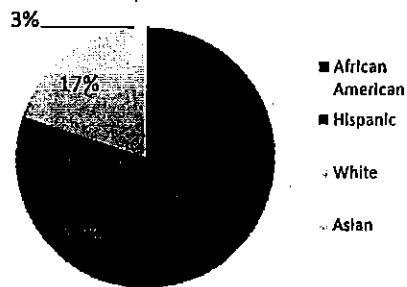
**Data on transfer from January 1, 2010 through September 30, 2011; cases with missing race and ethnicity data omitted. Youth population data estimated based on 2000 federal census data.*

How many youth who reside in the City of Bridgeport were transferred to adult court from 1/1/10 to 9/30/11?

Youth Transferred



Overall Youth Population



**Data on transfer from January 1, 2010 through September 30, 2011; cases with missing race and ethnicity data omitted. Youth population data estimated based on 2000 federal census data.*